

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

IN THE MATTER OF THE APPLICATION)	
OF MAINE COAST NORDIC COMPANY/)	
ROBERT A. CATES/ROBERT N. CATES)	FINDINGS OF FACT,
FOR RENEWAL OF AN AQUACULTURE)	CONCLUSIONS OF LAW AND
LEASE LOCATED OFF THE NORTH)	DECISION
SHORE OF LITTLE RIVER, CUTLER,)	
WASHINGTON COUNTY, MAINE)	

On July 15, 2002, Maine Coast Nordic Company/Robert A. Cates/Robert N. Cates (hereafter referred to as "applicant") applied for the renewal of an aquaculture lease issued on September 29, 1993. The applicant requested a ten-year renewal, to September 28, 2013, of a 6.9-acre net pen culture lease located off the north shore of Little River, Cutler, Washington County, Maine.

Notice of the application for lease renewal was published in the September 2003 issue of Commercial Fisheries News and the August 27, 2003 and September 10, 2003 issues of the Machias Valley News. Members of the public, riparians and interested persons were given to September 26, 2003 to request a hearing on the application for lease renewal. No requests for a hearing on this application were received by the Department during the comment period. Riparian landowner Maine Coast Heritage Trust submitted a letter in support of the renewal. Additionally, the Maine Department of Environmental Protection commented on the renewal application, requesting that the renewal be conditioned upon compliance with the Code of Containment, which was adopted by the Maine Aquaculture Association and its member salmon farms on October 18, 2002, and is incorporated by reference into the Containment Management System for each farm.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease may be renewed unless the lessee has not complied with the original lease agreement during its term; substantially no aquaculture or research has been conducted; the Commissioner finds that it is

not in the best interest of the state to renew the lease taking into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest; or that the renewal will cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 250 acres.

The applicant has complied with the lease agreement during its ten-year term. It has conducted finfish aquaculture on the site. The Finfish Aquaculture Monitoring Program data for the lease site indicates that the applicant is operating the lease site within acceptable environmental limits. There are no known conflicts with other new or existing uses of the area. Additionally, the renewal of this lease will not cause the applicant to lease more than 250 acres.

On May 19, 2003 the Department conducted a containment audit at the lease site. The results of the audit showed that the applicant is not in compliance with the Code of Containment with respect to the adequacy of the mooring equipment. Prior to stocking fish at the lease site, the site must be in compliance with the Code of Containment. Therefore, renewal of this lease is conditioned upon compliance with the Code of Containment.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the lease shall consist of one tract and the following lease description shall replace the description set forth in the original lease document: STARTING at the point Latitude 44°39'16.987"N, Longitude 67°12'09.995"W (datum NAD83/WGS84), and point of beginning; thence 101.5° True, a distance of 1,000 feet to corner B (44°39'15.019"N, 67°11'56.439"W); thence 191.5° True, a distance of 300 feet to corner C (44°39'12.116"N, 67°11'57.266"W); thence 281.5° True, a distance of 1,000 feet to corner D (44°39'14.084"N, 67°12'10.822"W); thence 11.5° True, a distance of 300 feet to corner A and point of beginning. This new

description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

Decision

The Commissioner of Marine Resources grants the application of Maine Coast Nordic Company/Robert A. Cates/Robert N. Cates for renewal of the 6.9-acre aquaculture lease located in the Little River, Cutler, Maine, for a period of ten years, to September 28, 2013. Renewal of this lease is conditioned upon the applicant's compliance with the Code of Containment prior to the stocking of fish at the lease site. In the renewal of this lease, Maine Coast Nordic Company/Robert A. Cates/Robert N. Cates is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources